

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2:93-00196-01

TERRYONTO MCGRIER

MEMORANDUM OPINION AND ORDER

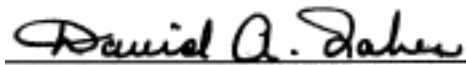
Pending before the court is defendant's motion, brought pursuant to 18 U.S.C. § 3582(c)(2), to reduce his sentence based on a subsequent reduction in the applicable sentencing guideline. On November 1, 2010, pursuant to the Fair Sentencing Act of 2010, the United States Sentencing Guidelines were amended, resulting in reductions in the guidelines in Section 2D1.1 for cocaine base. These temporary, emergency amendments to the Guidelines took effect on November 1, 2010. Permanent amendments implementing the Act were promulgated on April 6, 2011, with an effective date of November 1, 2011. Subsequently, the Sentencing Commission voted to give retroactive effect to the permanent amendments. Pursuant to a Standing Order entered on October 7, 2011, the court hereby **DESIGNATES** this Defendant for **Standard** consideration. The court **DIRECTS** the Federal Public Defender to undertake representation of the Defendant or seek the appointment of counsel.

The court further **DIRECTS** that, within ten days of the entry of this Order, the United States and Defendant* file written memoranda addressing all relevant issues, including eligibility, whether Defendant should receive a reduction, and, if so, the extent of any reduction.

The Clerk is **DIRECTED** to send a copy of this Memorandum Opinion and Order to Defendant, the United States Attorney, the Federal Public Defender, and the United States Probation Office.

IT IS SO ORDERED this 23rd day of May, 2013.

ENTER:

A handwritten signature in black ink, reading "David A. Faber", is written over a horizontal line.

David A. Faber

Senior United States District Judge

*Counsel for defendant has already filed a memorandum regarding defendant's eligibility for a sentence reduction under the Fair Sentencing Act. Defendant may rest on his previous filings or file an additional memorandum if he chooses.